

103D CONGRESS  
1ST SESSION

# H. CON. RES. 45

Expressing the sense of the Congress concerning rape and forced pregnancy  
of women and girls in the former Yugoslavia.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1993

Ms. MOLINARI (for herself, Mr. GILMAN, Mr. ROHRBACHER, Mr. LEVY, Mr. ENGEL, Mr. ZELIFF, Ms. ROS-LEHTINEN, Mr. GILLMOR, Mr. WILSON, Mr. KING, Mr. CAMP, Mrs. MEYERS of Kansas, Mr. TOWNS, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. TORKILDSSEN, Mr. SCHIFF, Mr. SMITH of Oregon, Mr. GOSS, Mr. EWING, Mr. CRANE, Mr. PASTOR, Mr. BARRETT, and Mr. HUNTER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

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## CONCURRENT RESOLUTION

Expressing the sense of the Congress concerning rape and  
forced pregnancy of women and girls in the former Yugoslavia.

Whereas on December 18, 1992, the United Nations Security Council condemned the rape of women in Bosnia citing “massive, organized and systematic detention and rape”, and specifically condemned “atrocities committed against women . . . in Bosnia and Herzegovina . . . ”;

Whereas the United Nations Security Council has created a 5-member commission to investigate war crimes in the former Yugoslavia;

Whereas at the conclusion of World War II, Nazis were tried in Nuremberg by an international military tribunal which defined crimes against peace, war crimes, and crimes against humanity as 3 categories of crimes within the jurisdiction of such tribunal;

Whereas rape and forced pregnancy are commonly considered war crimes but not explicitly recognized as such;

Whereas, although several Nazis committed or participated in rape or forced pregnancy, none of these individuals was ever convicted of rape or forced pregnancy;

Whereas Article 27 of the Fourth Geneva Convention states that “Women shall be especially protected against any attack on their honor, in particular, against rape, and forced prostitution, or any form of indecent assault.”;

Whereas Article 147 of the Fourth Geneva Convention states that “Grave breeches . . . shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: . . . including torture or inhumane treatment . . . willfully causing great suffering or serious injury to body or health . . . ”;

Whereas such acts are qualified as war crimes by Additional Protocol 1 to Article 147; and

Whereas the United Nations Special Rapporteur on Torture has recognized rape as a form of torture, constituting an outrage on the personal dignity of the individual: Now, therefore, be it

- 1        *Resolved by the House of Representatives (the Senate*
- 2 *concurring)*, That it is the sense of the Congress that—

1           (1) the widespread rape and forced pregnancy  
2 of women and girls in the former Yugoslavia con-  
3 stitute war crimes;

4           (2) the United Nations Security Council and  
5 United Nations Human Rights Commission should  
6 adopt resolutions explicitly recognizing that rape and  
7 forced pregnancy constitute war crimes;

8           (3) such war crimes should be investigated by  
9 an international tribunal;

10          (4) such tribunal may be convened by the Unit-  
11 ed Nations at the highest level, and if such a tribu-  
12 nal is convened it should be provided with clear au-  
13 thority to investigate, prosecute, adjudicate, and  
14 punish those responsible for these and other crimes;

15          (5) the United Nations should appoint a special  
16 rapporteur on sex discrimination and violence  
17 against women to—

18               (A) receive information from governmental  
19 and nongovernmental entities and individuals  
20 on sex discrimination and violence against  
21 women, including rape and forced pregnancy;

22               (B) investigate individuals responsible for  
23 these and other crimes; and

1           (C) receive information relating to meas-  
2           ures to prevent continuing violations of sex dis-  
3           crimination and violence against women; and  
4           (6) the 1993 United Nations World Conference  
5           on Human Rights, to be held in June 1993, should  
6           consider violations of the human rights of women in  
7           its general discussions for the purpose of improving  
8           the protections of such rights stated in the Charter  
9           of the United Nations.

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